

SENATE BILL 159

By Clabough

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1; Title 37, Chapter 1; Title 37, Chapter 2, Part 4; Title 39, Chapter 15 and Title 68, Chapter 11, Part 2, relative to newborn infants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new, appropriately designated section:

§ 68-11-255.

(a) A hospital must receive possession of any newborn infant left on hospital premises with any hospital employee or member of the professional medical community, as defined in § 68-140-202(9), if the infant:

(1) Was born within the preceding seventy-two (72) hour period, as determined within a reasonable degree of medical certainty;

(2) Is left in an unharmed condition; and

(3) Is voluntarily left by the child's parent who did not express any intention of returning for the infant.

(b) If the newborn infant is unharmed when presented to the hospital, then the hospital must not inquire as to the identity of the parent or contact law enforcement

officers. The hospital may inquire about the medical history of the mother or newborn but the parent is not required to respond. The hospital may provide the parent contact information with regard to relevant social service agencies.

(c) Within twenty-four (24) hours of receiving such newborn infant, the hospital must contact the department of children's services, but must not do so before the parent leaves the hospital premises. Upon receipt of such notification, the department shall immediately assume care, control and custody of the infant.

(d) Notwithstanding any provision of law to the contrary, if acting in good faith to comply with the requirements of this section, the hospital, any hospital employee and any member of the professional medical community shall be immune from any criminal or civil liability that might otherwise arise from such actions.

SECTION 2. Tennessee Code Annotated, Section 37-1-157, is amended by adding the following new language as a new, appropriately designated subsection:

(d) The provisions of subsection (a) shall not be construed to impose criminal liability upon a parent based solely upon the parent's act of voluntarily leaving a newborn infant at a hospital pursuant to § 68-11-255.

SECTION 3. Tennessee Code Annotated, Section 39-15-401(a), is amended by designating the current language as subdivision "(a)(1)" and by adding the following new language, to be designated as subdivision "(a)(2)":

(2) The provisions of subdivision (a)(1) shall not be construed to impose criminal liability upon a parent based solely upon the parent's act of voluntarily leaving a newborn infant at a hospital pursuant to § 68-11-255.

SECTION 4. Tennessee Code Annotated, Section 36-1-102(1)(A), is amended by adding the following language as a new, appropriately designated subitem:

(v) The child, as a newborn infant aged three (3) days or less, was voluntarily left at a hospital by a parent pursuant to § 68-11-255.

SECTION 5. Tennessee Code Annotated, Section 37-2-402(10)(A), is amended by adding the following language as a new, appropriately designated subitem:

(v) The child, as a newborn infant aged three (3) days or less, was voluntarily left at a hospital by a parent pursuant to § 68-11-255.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2001, the public welfare requiring it.